



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

January 16, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Legislation of County Interest

SCA 1 (Burton and McPherson), The Sunshine in Government Constitutional Amendment, was chaptered by the Secretary of State on January 14, 2004, and will appear on the November 2, 2004 Statewide ballot. It would amend Section 3 of Article I of the State Constitution to make access to records and public meetings of government officials and agencies a constitutional right of each citizen. SCA 1 would require that any statute, court rule or other authority, which would include the existing Brown Act, California Public Records Act (CPRA) and any other relevant existing statutes, would be broadly construed if it furthers the right of access, and narrowly construed if it limits the right of access. The County did not take a position on this measure.

SCA 1 stipulates that it does not repeal or nullify any statutory exceptions to the right of access to public records or meetings of public bodies that are in effect on the effective date of the measure, including any statute protecting the right of confidentiality of law enforcement and prosecution records. However, it is unclear how SCA 1 would affect the CPRA's existing "balancing test" that a public agency may apply in determining whether to disclose a record that is not specifically exempt from disclosure. Currently, an agency may deny access if it determines that the public benefit served by not disclosing a record clearly outweighs the public benefit served by disclosure of the record. Since SCA 1 establishes the public's right of access as a "fundamental right",

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the courts will ultimately decide how SCA 1 will impact the current "balancing test" and the applicability of the broad-construction clause.

SCA 1 passed the Legislature without a negative vote. It is jointly sponsored by the California Newspaper Publishers Association and First Amendment Rights Coalition and supported by: Attorney General Bill Lockyer, California Faculty Association, League of California Cities, League of California Women Voters, and the Northern California Radio and Television News Directors Association. There was no registered opposition.

Status of County-Interest Legislation

County-supported AB 26 (Pacheco, Leslie), which would require the State Department of Justice to provide information on the Internet regarding serious or high-risk registered sex offenders, failed passage in the Assembly Public Safety Committee on January 13, 2004 by a vote of 4 to 3.

County-supported AB 340 (Frommer), which would make it illegal to sell, offer for sale, buy, possess, manufacture, or distribute a device capable of sending a signal that interrupts or changes the sequence of a traffic signal, passed the Assembly Public Safety Committee on January 13, 2004 by a vote of 19 to 0 and was sent to the Assembly Appropriations Committee.

We will continue to keep you informed.

DEJ:GK
MAL:JF:JL:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Local 660
 All Department Heads
 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations
 Buddy Program Participants